

COUNTY COUNCIL

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MEMORANDUM

May 9, 2013

TO: Bernard P. Carvalho, Jr., Mayor

FROM: Jay Furfaro, Council Chair

RE: **MAY 8, 2013, COUNCIL MEETING RECAP**

This is to inform you of the action taken by the Council at its May 8, 2013 Council Meeting:

CONSENT CALENDAR:

C 2013-172 Communication (04/05/2013) from the County Engineer, transmitting for Council consideration, a Resolution Establishing Temporary Closure Of Through Traffic at 'Eiwa Street, Līhu'e District, County Of Kaua'i. *(Received for the Record.)*

C 2013-173 Communication (04/09/2013) from the County Engineer, transmitting for Council consideration, a Resolution Repealing An Existing Crosswalk On Po'ipū Road Fronting Kōloa Elementary School, Kōloa District, County Of Kaua'i. *(Received for the Record.)*

C 2013-174 Communication (04/09/2013) from the County Engineer, transmitting for Council consideration, a Resolution Establishing A Rapid Flashing Lighting System Crosswalk And An In-Road Warning Lighting System Crosswalk On Po'ipū Road In The Vicinity Of Kōloa Elementary School, Kōloa District, County Of Kaua'i. *(Received for the Record.)*

C 2013-175 Communication (04/09/2013) from the County Engineer, transmitting for Council consideration, a Resolution Establishing Stop Signs And Stop Lines On 'Olohena Road At Its Intersection With Ka'apuni Road, Kawaihau District, County Of Kaua'i. *(Received for the Record.)*

C 2013-176 Communication (04/22/2013) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest, regarding the proposed Fiscal Year 2013-2014 Operating Budget (Bill No. 2471) – Office of Economic Development (OED) “Other Services” line item for the “Kaua’i Planning and Action Alliance (KPAA) – Economic Plan Implementation (Keiki to Career Program),” as she serves on the Leadership Council that works on this particular program. ***(Received for the Record.)***

COMMUNICATIONS:

C 2013-177 Communication (03/06/2013) from Council Chair Furfaro, requesting the presence of Scott Matsuura and James Pacopac of JS Hawai’i Consultants, LLC, to provide the County Administration, County Council, and the Department of Water with an overall update on the 2013 Hawai’i State Legislative Session. ***(Received for the Record.)***

C 2013-178 Communication (04/15/2013) from the Housing Director, requesting Council approval to decline the repurchase of property in the Villas at Pu’ali, 1962 Haleukana Street, Unit No. 62, Līhu’e, Hawai’i, and grant the owner a one-year waiver of the buyback to allow a market sale by the owner. ***(Approved.)***

C 2013-179 Communication (04/15/2013) from Councilmember Yukimura and Council Chair Furfaro, requesting Council approval to release the County Attorney opinion dated April 10, 2013 relating to Bill No. 2467, pursuant to Rule 2(a)(4), Rules of the Council of the County of Kaua’i. ***(Approved.)***

C 2013-180 Communication (04/16/2013) from the Director of Parks & Recreation, requesting Council approval to accept the donation of twenty-eight (28) Areca palms valued at \$4,200 from Joseph Brun to be used to landscape areas at the Wailua Golf Course. ***(Approved with thank-you letter to follow.)***

C 2013-181 Communication (04/19/2013) from the Director of Parks & Recreation, requesting Council approval to accept a grant valued at \$4,332 from the “Ananda Hawai’i Fund” via the Hawai’i Community Foundation for the purchase of a new hydraulic lift chair to replace the chair that was vandalized in January 2013. ***(Approved with thank-you letter to follow.)***

C 2013-182 Communication (04/23/2013) from Council Chair Furfaro, requesting the presence of the Director of Planning and the Prosecuting Attorney, to provide the Council with a briefing regarding the coordination of efforts between the Department of Planning and the Office of the Prosecuting Attorney to enforce the Transient Vacation Rental (TVR) ordinances and their plans for dealing with the various enforcement issues raised by the public and Councilmembers. ***(Deferred.)***

C 2013-183 Communication (05/02/2013) from the County Attorney, requesting Council approval to expend up to \$75,000 for Special Counsel’s continued services provided for Defendant Shaylene-Iseri Carvalho in Tim Bynum vs. County of Kaua’i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. ***(Approved to expend up to the additional amount of \$25,000.)***

CLAIM:

C 2013-184 Communication (04/24/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Enterprise Rent-A-Car, for damages to its vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i. ***(Referred to the County Attorney's Office for disposition and/or report back to the Council.)***

COMMITTEE REPORTS: APPROVED.

RESOLUTIONS:

Resolution No. 2013-47, Draft 2 – RESOLUTION DETERMINING THE COUNTY OF KAUAI FUEL TAX RATE AND REPEALING RESOLUTION NO. 2004-06, DRAFT 2 *(See also CR-HT 2013-03; the Housing and Transportation Committee approved Resolution No. 2013-47, Draft 1 as amended to Resolution No. 2013-47, Draft 2. Resolution No. 2013-47, Draft 2 failed passage by a vote of 2:3.) (Approved as Amended to Resolution No. 2013-47, Draft 3.)*

Resolution No. 2013-51 – RESOLUTION ESTABLISHING TEMPORARY CLOSURE OF THROUGH TRAFFIC AT 'EIWA STREET, LIHU'E DISTRICT, COUNTY OF KAUAI ***(Approved.)***

Resolution No. 2013-52 – RESOLUTION REPEALING AN EXISTING CROSSWALK ON PO'IPU ROAD FRONTING KOLOA ELEMENTARY SCHOOL, KOLOA DISTRICT, COUNTY OF KAUAI ***(Approved.)***

Resolution No. 2013-53 – RESOLUTION ESTABLISHING A RAPID FLASHING LIGHTING SYSTEM CROSSWALK AND AN IN-ROAD WARNING LIGHTING SYSTEM CROSSWALK ON PO'IPU ROAD IN THE VICINITY OF KOLOA ELEMENTARY SCHOOL, KOLOA DISTRICT, COUNTY OF KAUAI ***(Approved.)***

Resolution No. 2013-54 – RESOLUTION ESTABLISHING STOP SIGNS AND STOP LINES ON OLOHENA ROAD AT ITS INTERSECTION WITH KA'APUNI ROAD, KAWAIHAU DISTRICT, COUNTY OF KAUAI ***(Referred to the May 15, 2013 Public Works / Parks & Recreation Committee Meeting.)***

BILLS FOR SECOND READING:

BILL NO. 2460, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 12, OF THE KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED "BUILDING CODE" *(See also CR-PWPR 2013-05; the Public Works/Parks & Recreation Committee recommended approval as amended to Bill No. 2460, Draft 1 on February 20, 2013.) (Deferred.)*

BILL NO. 2470, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 23-3.7 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO CONCESSIONS AT SPOUTING HORN *(Parks and Recreation Improvement and Maintenance Revolving Fund) (See also CR-PWPR 2013-15; the Public Works / Parks & Recreation Committee recommended approval as amended to Bill No. 2470, Draft 1 on May 1, 2013.) (Approved.)*

BILL NO. 2474 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GENERAL FUND AND THE BEAUTIFICATION FUND (*General Fund – Department of Finance, General Liability Account – \$764,194.00*) (*See also CR-FED 2013-09; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.*) (**Approved.**)

BILL NO. 2475 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE DEBT SERVICE FUND (*Debt Service Fund - \$2,100,000.00*) (*See also CR-FED 2013-10; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.*) (**Approved.**)

BILL NO. 2476 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-736, AS AMENDED, RELATING TO THE OPERATING BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY REVISING THE AMOUNTS ESTIMATED IN THE GOLF FUND (*Golf Fund \$51,459.00*) (*See also CR-FED 2013-11; the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation Development / Other Economic Development Areas) Committee recommended approval on second and final reading.*) (**Approved.**)

BILL NO. 2477 – AN ORDINANCE AMENDING ORDINANCE NO. B-2012-737, AS AMENDED, RELATING TO THE CAPITAL BUDGET OF THE COUNTY OF KAUAI, STATE OF HAWAII, FOR THE FISCAL YEAR JULY 1, 2012 THROUGH JUNE 30, 2013, BY AMENDING AN EXISTING BUDGET PROVISIO IN THE CAPITAL BUDGET RELATING TO PROJECTS FUNDED WITH COMMUNITY FACILITIES DISTRICT BONDS (*See also CR-COW 2013-06; the Committee of the Whole recommended approval on second and final reading.*) (**Approved.**)

BILL NO. 2478 – A BILL FOR AN ORDINANCE TO AMEND SECTION 2, ORDINANCE NO. 891, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE COUNTY OF KAUAI FOR THE PURPOSE OF FINANCING CERTAIN PUBLIC IMPROVEMENTS AND REFUNDING CERTAIN BONDS OF THE COUNTY; FIXING OR AUTHORIZING THE FIXING OF THE FORM, DENOMINATIONS, AND CERTAIN OTHER DETAILS OF SUCH BONDS AND PROVIDING FOR THE SALE OF SUCH BONDS TO THE PUBLIC (*See also CR-COW 2013-07; the Committee of the Whole recommended approval on second and final reading.*) (**Approved.**)

Bill No. 2479 – A BILL FOR AN ORDINANCE AMENDING SUBSECTION (a) OF SECTION 21-9.2 OF THE KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO INTEGRATED SOLID WASTE MANAGEMENT (*See also CR-EPC 2013-05; Bill No. 2479 failed passage by a vote of 1:4.*) (**Motion to Approve failed.**)

BILL NO. 2480, Draft 1 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 17A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO BUS FARES (*See also CR-HT 2013-04; the Housing & Transportation Committee recommended approval as amended to Bill No. 2480, Draft 1 on May 1, 2013.*) (**Approved.**)

BILL NO. 2481 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO MOTOR VEHICLE CERTIFICATE OF OWNERSHIP AND REGISTRATION FEES (*See also CR-HT 2013-05; the Housing & Transportation Committee recommended approval on second and final reading.*) (**Approved.**)

BILL NO. 2482 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-2.3, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY MOTOR VEHICLE WEIGHT TAX (*See also CR-HT 2013-06; the Housing & Transportation Committee recommended approval on second and final reading.*) (**Motion to Approve failed.**)

BILL NO. 2484, Draft 1 – A BILL FOR AN ORDINANCE AMENDING SECTION 5-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COUNTY FUEL TAX (*See also CR-HT 2013-07; the Housing & Transportation Committee approved Bill No. 2484 as amended to Bill No. 2484, Draft 1. Bill No. 2484, Draft 1 failed passage by a vote of 1:4.*) (**Approved as Amended to Bill No. 2484, Draft 2.**)

Thank you for following up as appropriate, including confidential routing to any appropriate parties, and please do not hesitate to contact me or Council Services Staff if you need further information. Please note that this memo presents a summary of the action taken, and reference should be made to the official minutes for a complete record.

cc: Council
Via E-mail: KCT Department Heads
KCT CCs
Staff